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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 SANDRA ANN SUTTER, f/k/a SANDRA
11 SUTTER CROSS,

12 Plaintiff,

13 v.

14 MASSACHUSETTS MUTUAL LIFE
15 INSURANCE COMPANY; MML
INVESTOR SERVICES, INC.; and
JAMES C. WENZL, *et al.*,

16 Defendants.

Case No. 2:10-CV-02065-KJD-PAL

ORDER

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18 On December 8, 2010, Plaintiff filed a Motion for Entry of Clerk's Default against all
19 Defendants (#9). On the same date the Clerk of the Court entered Default as to James Wenzl only
20 (#10). On December 13, 2010, Plaintiff filed a Motion for Default (#12) against all Defendants. On
21 December 14, 2010, Plaintiff filed a Motion to Withdraw Motion for Default Judgment (#14).

22 Plaintiff's Motion for Default Judgment is based on the premise that the required time to file
23 a response per Fed. R. Civ. P. 12 (a)(1)(A)(i) had run. However, Defendants had filed a Motion to
24 Extend Time (#5) on December 2, 2010, that was granted by the Court on December 8, 2010 (See
25 #8). In her Motion to Withdraw (#14), Plaintiff concedes that the extension was granted, rendering
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1 the Motion for Default Judgment (#12) moot and the Motion for Clerks Default (#9) moot as to
2 Defendants Massachusetts Mutual Life Insurance Co., and MML Investor Services, Inc.

3 Therefore, in accordance with Fed. R. Civ. P. 6(b), **IT IS HEREBY ORDERED** that
4 Plaintiff's Motion to Withdraw (#14) is **GRANTED**.

5 **IT IS FURTHER ORDERED** that the Motion for Default Judgment (#12) is **DENIED** as
6 moot.

7 **IT IS FURTHER ORDERED** that the Motion for Entry of Clerks Default (#9) is **DENIED**
8 as to Defendants Massachusetts Mutual Life Insurance Co., and MML Investor Services, Inc.

9 DATED this 12th day of May 2011.

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12 _____
13 Kent J. Dawson
United States District Judge

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